

Policy on International Hires Effective January 2015

Given the time intensive, uncertain and high-cost process for hiring/paying international visitors, CCA will abide by the following policies as it relates to hiring internationally.

ALL international visitors must be approved in advance by the respective dean. This applies for an international visitor to be eligible for any payment or expense reimbursement.

Key terms:

Non-immigrants classifications mentioned in this document:

B 1 / B2 = Visitor for business purposes. A visitor to the United States for a short time to engage in business dealings such as attending a professional conference, consulting with business associates, etc.

J 1 = Exchange visitor. A visiting professor, researcher or scholar in the United States under an Exchange Visitor program that has been designated by the Department of State. CCA has been approved by DOS to sponsor this type of visa.

H 1 = Temporary worker. An individual in a specialty occupation sponsored by an employer for a fixed period of time for full time employment. The initial sponsorship period is 3 years, with a possible extension for an additional 3 years.

O 1 = Person of extraordinary ability. An individual that possesses specific high level abilities and documented extraordinary achievement in the area of science, education, art, athletics, or business.

Faculty:

- **Tenure-Track Faculty:** With the approval of the Dean of the Academic Division and a clear case for why it is essential to hire an international candidate into a tenure track position, the Provost may approve international hires for tenure-track faculty.

As soon as a Chair or Dean is aware of a potential international hire, s/he should contact the Assoc VP for HR to understand the required immigration documents and process.

Funding for visa fees and legal expenses will come from the Provost.

- **Ranked Non Tenure Faculty:** International hires for RNT positions are not permitted.

- Adjunct Faculty: International hires for adjunct positions are not permitted.

Visiting Faculty and Visiting Artists:

Visiting faculty who are here for more than 6 months most likely need an H1B visa. The H1B generally needs about 3 months of lead-time to process and the costs are approximately \$5,000.

If a visiting faculty is here for less than 6 months, a J visa is possible. Ultimately, the J visa has some specific restrictions and, whether using a J is possible will depend on the "program" that the J visa is based on. Visiting artists who already have a J visa are permitted to work at CCA; depending on the circumstances, a new J visa and associated legal fees could cost up to \$2500, though will typically be smaller if the visitor is brought on through CCA's J program.

Charges for legal fees and visa fees will be posted to the requesting department's budget.

Please note that, in order to pay a visiting artist, we will need either a Tax ID or Social Security number to do so. Failure to provide one will result in tax withholdings of up to 30% based on the tax treaty arrangement with the specific country.

Process for hiring international visiting faculty/international visiting artists:

As soon as a Dean / Chair / Assistant Director is aware of a potential international hire, s/he should contact Jessica McMillan in the ISAP office to understand the required immigration documents and process.

If it is determined that the visiting artist will be coming on a J visa, the academic department will work with Jessica to process the needed paperwork. Jessica will provide the forms necessary for the hire to complete in order for a DS-2019 (paperwork for the J-1 visa) to be issued. In order to allow time for paperwork processing and for the hire to obtain the required visa in time, all completed paperwork must be submitted to Jessica at least *four months* prior to the expected arrival date of the hire.

Guest Speakers:

CCA encourages a robust speaker series that will many times contain international speakers. All international guest speakers must be approved by the divisional Dean and Assistant Directors, who will confirm visa status and payment eligibility with Jessica McMillan prior to agreeing to final terms with the speaker. While CCA will not be a visa sponsor for guest speakers, we are typically able to accommodate

speakers who have secured their own visa or have a visa sponsored by another organization.

For those individuals already traveling to the US on visitor status, we are able to pay them an honorarium, though we will need either a Tax ID or Social Security Number to do so in order for them to qualify for tax treaty exemption; typically in the absence of a Tax ID or SSN, we withhold taxes up to 30%.

Honoraria can be paid for “services” lasting no more than 9 days at any single institution, if the person has not accepted honoraria or expenses from more than 5 institutions in the previous 6 months. Payment cannot be made to the visitors agency or foreign employer. Honoraria can only be paid to guest speaker directly.

Department budget managers may request that visitors be reimbursed for travel expenses. Any expense reimbursement must be submitted in accordance with CCA expense reimbursement policies. Policies can be found at :
<https://www.cca.edu/about/administration/forms#biz-policy>

Honoraria and travel expense reimbursements are to be made only through check or wire transfer from the Business and Finance Office directly to the visiting faculty or artist. Non-cash payments that are treated as cash (i.e., gift cards) are not allowed (items like gifts are permitted).

Typically, if an international guest speaker is not in the US already, s/he will need to apply for a B visitor visa (unless s/he is from a visa waiver country). S/he should be able to handle the B visa application him/herself, and in some cases, the appropriate Assistant Director can write a letter confirming their lecture in the US if the speaker would like to have this information for the visa interview.

Honorariums are applicable only to individuals on B1 or B2 visas. Rules regarding payments and honorariums may be different for speakers in the U.S. on other non-immigrant visas because each visa category has different rules and restrictions. It may be possible to bring in speakers on other visas, but these situations are more complicated.

Other visa options for guest speakers:

A J visa holder usually can only work for the sponsoring entity. For a J-1 visa holder who is sponsored by another entity to receive payment from CCA, the J holder must fall under one of the following two exceptions:

- 1) The J-1 visa holder's J-1 program must permit him/her to visit a third party location to render services. To ensure that the J-1 visa holder is not working for an unauthorized employer, CCA would need to pay the J holder's J sponsor, and not the J holder directly.

- 2) The J-1 visa holder is engaged in “occasional lectures or consultations”, which means the J-1 holder is only providing “occasional lectures or consultations” to CCA, which is incidental to the J-1 holders primary program activities, directly related to the J-1 holder’s program objective, and does not delay the completion of the J-1 program. If the activities meet these requirements, CCA may pay the J-1 holder directly as an independent contractor.

If we are looking to pay someone who is on an H1B visa, CCA has to employ the H1B employer, and the H1B employer would need to agree to place the H1B visa holder onsite at CCA.

For visitors on an O-1 visa, CCA can only pay the O-1 holder through the O-1 employer **only** if the O-1’s employer is an agent that has filed a petition that covers multiple employers, **including CCA**. If the O-1 agent’s petition covers CCA, CCA can pay either the agent or the O-1 directly. CCA cannot pay the O-1 employee or agent directly unless CCA has been included on the visa petition.

Please note that the above does not address all of the possible situations of bringing in an international speaker. Yet, the above situations all have very specific requirements that will most likely require advance planning.

Should an international guest speaker who is not already in the country require a visa, charges for legal fees and visa fees will be posted to the requesting department’s budget.

Finally, in no circumstance should an employee pay a visiting scholar or artist out of pocket and falsify or manipulate receipts for reimbursement. Offenders found to be violating this policy or falsifying their expense reports may face dismissal.

Process for hiring international guest speakers:

When a department has identified that it would like to bring an international visitor to campus, the department contact person Jessica L McMillan in the International Student Affairs and Programs Office. If the visitor will be paid an honorarium, Jessica will forward the department contact person detailed instructions regarding the payment process and all required documents.

Again, all international guest speakers must be approved by the divisional Dean and Assistant Directors, who will confirm visa status and payment eligibility with Jessica McMillan prior to agreeing to final terms with the speaker. While CCA will not be a visa sponsor for guest speakers, we are typically able to accommodate speakers who have secured their own visa or have a visa sponsored by another organization.

Staff:

Hiring an international staff member is strongly discouraged and will only be approved in the most extenuating circumstance where there is documented evidence that no qualified domestic candidate is available for the position. In this case, the CFO based on a recommendation from the AVP for HR may approve an international staff hire. In these cases, the hiring department will be required to pay all legal and visa fees and candidate salary negotiations should take into account that the department would be financially supporting the immigration process.

Hiring managers should notify the Assoc VP for HR to understand the required immigration documents and process as soon as s/he is aware of a possible international hire.

Any exception to this policy will require the support of both the CFO and the Provost with final approval by the President.

Questions to ask a potential international visitor:

Questions to consider include:

1. Will the visitor already be visiting the United States when s/he is asked to come speak/work at CCA?
2. What visa status is/will this visitor be on?
3. Is the visitor being paid by another US company or entity (whether for a short- or long-term engagement) while s/he is in the United States? Please describe.
4. Are you planning to pay the visitor for their time at CCA? How much?
5. Is the visitor for writing / curating something for CCA from their own country?
6. What is the proposed date of the lecture and is there any flexibility with this date?

Process:

As soon as a Dean / Assistant Director or Chair believes an international hire (for a tenure-track or visiting faculty/visiting artist) is possible, s/he should notify HR and should submit answers to the below questions. For guest speakers, Jessica McMillan should be contacted as soon as possible.

Depending on the type of international hire, HR or ISAP will then contact our immigration counsel to determine any special arrangements and estimated time to process any required visas/confirm approval.

They will also work with the business office to determine any required information they would need to process payment.

They will respond to the initial request within 3 business days to advise on next steps and estimated costs and timelines.

For planning purposes, it would be helpful to obtain the following information for the Business Office to issue payment through a wire transfer:

Account Holder's Name:

Account Number:

IBAN:

Bank Name:

Bank Address:

Sort Code (VAT number):

SWIFT/BIC Code: